

FILED

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

2009 OCT 14 PM 3:28

STATE CLERK  
COURT  
FOR THE NORTHERN DISTRICT

RONALD F. KURTH,

*Plaintiff,*

vs.

ROGELIO "ROY" DOMINGUEZ, in his  
capacity as Sheriff of Lake County, Indiana;  
LAKE COUNTY SHERIFF'S DEPARTMENT,  
LAKE COUNTY GRIEVANCE REVIEW  
BOARD; LAKE COUNTY BOARD OF  
COMMISSIONERS, INDIANA; and LAKE  
COUNTY, INDIANA,

*Defendants.*

Case No: 2 0 9 C V 3 4 0

**NOTICE OF REMOVAL  
(28 U.S.C. § 1666 (a), (b))**

**TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF INDIANA, HAMMOND DIVISION:**

1. The petitioners herein, ROY DOMINGUEZ, in his Official Capacity as Sheriff of Lake County; LAKE COUNTY SHERIFF'S DEPARTMENT, LAKE COUNTY GRIEVANCE REVIEW BOARD; LAKE COUNTY BOARD OF COMMISSIONERS, INDIANA; and LAKE COUNTY, INDIANA, are the named party Defendants in a civil action filed by Ronald Kurth in the Lake Circuit Court, sitting in Crown Point, Indiana on September 10, 2009, under cause number 45D05-0909-CT-130.

2. Pursuant to Section 1441 and 1446 of Title 28 of the United States Code, all and each of the named Defendants in said state court action now timely file this notice to remove the state court action to the United States District Court for the Northern District of Indiana, Hammond Division, the judicial district and division in which the state court action is pending.

3. The grounds for removal of this action are:

- a. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction in that it arises under the laws of the United States within the meaning of 28 U.S. C. § 1331.
- b. In particular, the plaintiff's principal claim for relief concerns claims under 42 U.S.C. § 1983 for violation of the Plaintiff's civil and constitutional rights as provided by the United States Constitution and Federal Statutes and Case Law.
- c. The other bases for relief asserted by the Plaintiff is his action are state law claims that arise out of the same set of facts and are part of the same case and controversy, so that this Court has supplemental jurisdiction of them within the meaning of 28 U.S.C. § 1367(a). Therefore, this is an action over which this Court would have had original jurisdiction had it been filed initially in this Court, and removal to this Court is proper under the provision of 28 U.S.C. § 1441(a).

4. This Notice of Removal has been timely filed by all named Defendants under Section 144(b) of Title 28 of the United States Code as the summons and complaint in this action were served on the Defendants on or about September, 15 2009, and thus the Notice of Removal is timely filed within 30 days of receipt of the Plaintiff's Complaint per 28 U.S.C. § 1446(b).

5. Pursuant to provisions of 28 U.S.C. § 1446(a), Defendants attach to this notice and incorporate by reference copies of the following papers, consisting of all the process, pleadings and orders served prior to its removal of this action:

- a. Complaint for Damages filed in the Circuit Court of Lake County of Indiana, Case No.: 45D05-0909-CT-130, which is marked as Exhibit "A".

b. Summons in the Case of RONALD KURTH VS. ROGELIO "ROY"

DOMINGUEZ, in his capacity as Sheriff of Lake County, Indiana; LAKE COUNTY SHERIFF'S DEPARTMENT, LAKE COUNTY GRIEVANCE REVIEW BOARD; LAKE COUNTY BOARD OF COMMISSIONERS, INDIANA; and LAKE COUNTY, INDIANA, served on Defendants on the 15<sup>th</sup> day of September, 2009, which is marked as Exhibit "B".

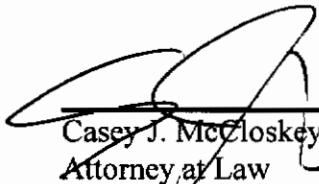
DATED: September 14, 2009

Respectfully Submitted,



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### CERTIFICATE OF SERVICE

I hereby certify that on **October 14, 2009** a true and accurate copy of the above pleading or document was served upon all counsel and parties of record via U.S. Mail, in envelopes properly addressed with sufficient first-class postage affixed, and/or by electronic facsimile, email or the court's electronic case filing (ECF) system.



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John M. Kopack, #5302-45

Service List:

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